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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

FRANK et al.

Serial No.: 09/750,130

Art Unit: Unassigned

Filed/Deposited: December 29, 2000

Examiner: Unassigned

For:: SYSTEM AND METHOD FOR SELECTING AND
PROTECTING INTELLECTUAL PROPERTY
ASSETS

Attorney Docket No:
BS00-427

PETITION TO ACCORD A FILING DATE TO A NONPROVISIONAL APPLICATION
PURSUANT TO 37 CFR 1.53(e)(2)

Box: PATENT APPLICATIONS
attn: Special Program Law Office
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

AUG 03 2001

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

Sir:

Applicants hereby (i) petition that the application is entitled to a December 29, 2000 filing date based on the December 29, 2000 date of U. S. Patent and Trademark Office ("PTO") receipt of the complete application, (ii) include the appropriate petition fee, (iii) respectfully request a refund of the petition fee, (iv) includes a set of copies of the drawings submitted as part of the application on December 29, 2000 and (v) respectfully request that the PTO issue to applicants a filing receipt identifying December 29, 2000 as the filing date of the application.

Applicants respectfully petition for review of the refusal to grant a December 29, 2000 filing date as of the December 29, 2000 date of deposit of the application in the PTO. The attached Notice of Incomplete Nonprovisional Application, mailed May 25, 2001, shows a "Filing/Receipt Date" of December 29, 2000, and states that the application has not been accorded a filing date because it was allegedly "deposited without drawings." LGBB5
037-0130
/24/2001
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Applicants respectfully request that the PTO issue to applicants a filing receipt identifying December 29, 2000 as the filing date of the application.

Any additional fees necessary for the consideration of this petition, or refund related to this petition, can be charged to Deposit Account 50-1390.

Respectfully submitted,



James M. Ross
Reg. No. 42,115
One of the Attorneys for Applicants
SHAW PITTMAN
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Date: June 18, 2001

Attachments: Notice of Incomplete Nonprovisional Application
Copy of date-stamped postcard receipt
Copy of Utility Patent Application Transmittal
Copies of drawings deposited in PTO on December 29, 2000.

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This petition is accompanied by sufficient evidence that establishes applicants' entitlement to the requested filing date because the accompanying evidence establishes receipt on the date of deposit in the PTO of the required component parts of a Nonprovisional application filed under 37 CFR 1.53(b), which in this case includes the drawings of the application. Under MPEP § 503, the enclosed copy of the date-stamped postcard for the application establishes prior receipt of the drawings on December 29, 2000 in the PTO, *i.e.*, 223 sheets of drawings. MPEP § 601.01(f) explains that a date-stamped postcard receipt that establishes prior receipt in the PTO of the drawings constitutes sufficient evidence to establish applicant's entitled to the request filing date here, *i.e.*, the date of receipt of the application. Further evidence that the applicants' application is entitled to a filing date of December 29, 2000 is the attached copy of the Utility Patent Application Transmittal form filed with the application on December 29, 2000, which indicates on page 2 that the application includes 223 sheets of informal drawings. Accordingly, applicants respectfully request that the application be accorded a December 29, 2000 filing date based on the December 29, 2000 date of receipt in the PTO of all of the required component parts of a Nonprovisional application filed under 37 CFR 1.53(b), which in this case includes the drawings of the application

As required by 37 CFR § 1.53(e)(2), this petition is accompanied by the \$130.00 petition fee set forth in 37 CFR § 1.17(h). Pursuant to the enclosed Notice of Incomplete Nonprovisional Application and MPEP § 506.02, applicants state that application is entitled to the requested filing date because the application as filed in the PTO included the drawings of the application and thereby respectfully request a refund of the enclosed \$130.00 petition fee.

Enclosed herewith is a set of copies of the 223 sheets of drawings deposited and received in the PTO on December 29, 2000 as part of the application.

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Office of Initial Patent Examination
Customer Service Center
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